



UNITED STATES PATENT AND TRADEMARK OFFICE

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TECHNOLOGY CENTER 2100

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 8

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In re Application of: Adisak Makkittikul et al.)
Application No.: 09/879,276)
Filed: June 11, 2001)
For: METHOD AND SYSTEM FOR)
CACHING DATA IN A NETWORK)
NODE)

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision on the petition filed July 22, 2003 under 37 CFR § 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to file a timely response to the Office action of mail date December 17, 2002. A Notice of Abandonment was mailed on July 1, 2003.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office presumes that the communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not received.

In support of the petition, Applicant asserts that the Office action was not received; and that no record of said Office action was found in the Attorney's file for this application. Petitioner supplies a copy of docket records for Application Serial No. 09/879,276 and states that this is where the record would have been entered in the firm's docketing system had the Office action been received and docketed. The docket record shows no entry reflecting receipt of the Office communication mailed December 17, 2002.

The relevant portion of MPEP § 711.03(c) states:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Petitioner has met the criteria of set out in MPEP 711.03(c) for establishing failure to receive an Office action.

The petition is **GRANTED**. The abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center support staff. The Office action of December 17, 2002 will be remailed to the address noted above with the three month Shortened Statutory Period restarted to run from the date of the remailing.



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